

60236145
8674REMARKS

The Examiner stated in the Office Communication mailed January 25, 2005 that the Amendment filed on November 5, 2004 presented claims drawn to a non-elected invention and is non-responsive, and the claims are not readable on the elected invention because the claims are drawn to an invention distinct from and independent of the invention previously claimed. The Examiner stated that the original claims were directed to a bonding method to produce a laminate (claims 1-9) and a metal laminate (claims 10-14), and the Amendment filed on November 5, 2004 claimed a method of heat transfer (claims 1-9 and 15-18) and a heat transfer apparatus (claims 10-14). Therefore, the Examiner states that the claims are drawn to a non-elected invention. Applicant respectfully disagrees.

The Examiner cited section 821.03 of the MPEP. MPEP 821.03 states that if claims are added by amendment following an action by the Examiner to an invention other than previously claimed, the "Applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered." The claims presented in the amendment filed on November 5, 2004 are not drawn to an invention distinct from and independent of the invention previously claimed.

Original Claim 1 recited a method of adhering a film to a heat transfer component including the step of applying a layer of ethylene terpolymer including an organosilicone functional group to the heat transfer component. Amended claim 1 is also directed to a method of adhering a film to heat transfer component and further recites the step of exchanging heat between two fluids. Original claim 1 is generic, and the features added to amended claim 1 are a species of this generic claim. Therefore, the amendment filed on November 5, 2004 cannot be directed to an invention distinct from or independent of the invention previously claimed in claim 1. The rejection is improper, and Applicant requests that the rejection be withdrawn.

Claim 10 is also not directed to a non-elected invention. Original claim 10 recites a heat transfer component including a layer of ethylene terpolymer including an organosilicone functional group that adheres a film to the heat transfer component. Amended claim 10 further recites that fluids exchange heat in the heat transfer component. Original claim 10 is generic, and amended claim 1 is a species of this generic claim. Therefore, the amendment filed on November 5, 2004 cannot be directed to an invention distinct from or independent of the

BEST AVAILABLE COPY

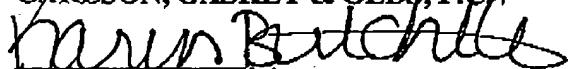
60246-145
8674

invention previously claimed in claim 10. Additionally, original claim 10 was directed to a heat transfer component and not a structural non-metal laminate as the Examiner contends. Therefore, both original claim 10 and amended claim 10 are directed to a heat transfer component. The rejection is improper, and Applicant requests that the rejected be withdrawn.

Thus, Claims 1-25 are in condition for allowance. No additional fees are seen to be required. If any fees are due, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: February 18, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on February 18, 2005.



Amy Spaulding